

CITY-COUNTY GENERAL ORDINANCE NO. 1, 1998  
Proposal No. 766, 1997

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 97-AO-13

A GENERAL ORDINANCE to amend certain sections of: A. the Revised Code of the Consolidated City and County; and, B. the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands with the County for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, State Statute mandates that the legislative body shall, in the zoning ordinance, determine the zoning districts in which subdivision of land may occur.

WHEREAS, it is the desire of the Metropolitan Development Commission, and in the best interest of the general public, that the interpretation of laws and ordinances be as certain as possible, now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, Revised Code of the Consolidated City and County, Chapter 731 (adopted under Metropolitan Development Commission docket numbers 89-AO-2, 90-AO-3, 92-AO-1, 92-AO-3, 93-AO-4, 95-AO-1, 95-AO-8, 96-AO-4, 97-AO-2, and 97-AO-3), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A be amended by adding the following language:

10. Compliance with the Subdivision Control Ordinance.

In compliance with IC-36-7-4-701, the Metropolitan Development Commission and City-County Council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of the Subdivision Control Ordinance for Marion County, Indiana (58-AO-13, as amended):

Any Dwelling District, as noted in the Dwelling Districts Zoning Ordinance of Marion County, Indiana (89-AO-2, as amended), which permits single-family or two-family dwellings. Specifically, these Districts are the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8 (single or two-family dwelling development only), D-12 and D-P (single and two-family development only).

Condominium development shall not be regulated by the Subdivision Control Ordinance, but shall be regulated per IC 32-1-6.

B. That Section 2.02, B, 1 be amended by adding the underscored language as follows:

1. *Minimum lot area.* Minimum lot area: 1 acre

Provided, however: Any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20)

percent below such 1-acre requirement, provided the average size of all lots within said approved plat shall be at least one 1 (1) acre.

Provided further, however: Attachment to public or semipublic sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1998.

C. That Section 2.03, B, 1 be amended by adding the underscored language as follows:

1. *Minimum lot area.* Minimum lot area: 24,000 sq. ft.

Provided, however: Any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 24,000 sq. ft. requirement, provided the average size of all lots within said approved plat shall be at least 24,000 sq. ft.

Provided further, however:

Attachment to public or semipublic sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1998.

SECTION 2. The Commercial Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 12 (adopted under Metropolitan Development Commission docket numbers 69-AO-1, 75-AO-3, 76-AO-3, 79-AO-4, 80-AO-1, 92-AO-4, 94-AO-7, 96-AO-1, 96-AO-4, and 97-AO-5), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A be amended by adding the following language:

9. Compliance with the Subdivision Control Ordinance.

In compliance with IC-36-7-4-701, the Metropolitan Development Commission and City-County Council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of the Subdivision Control Ordinance for Marion County, Indiana (58-AO-13, as amended):

Any Commercial District, as noted in the Commercial Zoning Ordinance of Marion County, Indiana (69-AO-1, as amended), which permits single-family or two-family dwellings. Specifically, the applicable District is the C-S (Special Commercial) classification, if single or two-family dwelling development is approved as a permitted use.

Condominium development shall not be regulated by the Subdivision Control Ordinance, but shall be regulated per IC 32-1-6.

SECTION 3. The Central Business District Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 2 (adopted under Metropolitan Development Commission docket numbers 64-AO-1, 81-AO-4, 93-AO-1, 94-AO-1, 95-AO-4, 96-AO-4, and 97-AO-6), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00 be amended by adding the following language:

5. Compliance with the Subdivision Control Ordinance.

In compliance with IC-36-7-4-701, the Metropolitan Development Commission and City-County Council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of the Subdivision Control Ordinance for Marion County, Indiana (58-AO-13, as amended):

Any Central Business District, as noted in the Central Business District Zoning Ordinance of Marion County, Indiana (64-AO-1, as amended), which permits single-family or two-family dwellings. Specifically, the applicable Districts are the CBD-2 (Central Business District Two), CBD-3 (Central Business District Three), and CBD-S (Central Business District Three) classifications, for single or two-family dwelling development only.

Condominium development shall not be regulated by the Subdivision Control Ordinance, but shall be regulated per IC 32-1-6.

SECTION 4. The Special Districts Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 7 (adopted under Metropolitan Development Commission docket numbers 94-AO-3, 95-AO-3, 95-AO-12, 96-AO-1, and 96-AO-4), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A be amended by adding the following language:

4. Compliance with the Subdivision Control Ordinance.

In compliance with IC-36-7-4-701, the Metropolitan Development Commission and City-County Council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of the Subdivision Control Ordinance for Marion County, Indiana (58-AO-13, as amended):

Any single-family or two-family component of land development within a PK-2 (Park District Two), UQ-2 (University Quarter Two), HD-2 (Hospital District Two) or any SU (Special Use) District, as noted in the Special Districts Zoning Ordinance of Marion County, Indiana (94-AO-3, as amended), specifically permitted through appropriate Approval Petitions (PK-2, UQ-2, HD-2 Districts), or where allowed as a permitted use (SU Districts).

Condominium development shall not be regulated by the Subdivision Control Ordinance, but shall be regulated per IC 32-1-6.

SECTION 5. The Industrial Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 1 (adopted under Metropolitan Development Commission docket numbers 63-AO-4, 67-AO-7, 73-AO-2, 80-AO-3, 96-AO-3, and 96-AO-4), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.12, C, 3 (Special Exception Provisions) be amended by adding the following underscored language:

3. The grant of a special exception shall be subject to the following requirements:

- a. The proposed use shall conform to all performance standards of the applicable Industrial District; and,
- b. The proposed use shall conform to all development standards of the applicable Industrial District, except as specifically modified by the grant of Special Exception; and,

- c. The proposed use shall conform to all other applicable requirements of this Ordinance and all restrictions and conditions attached to the grant of Special Exception by said Board. All restrictions, conditions, or site plan requirements attached to the grant of any Special Exception by the Metropolitan Board of Zoning Appeals shall be limited by Section 2.12, C, 2 and shall be imposed by said Board to ensure compliance with said standards. Such restrictions, conditions or site plan requirements shall become a part of and incorporated in the grant of the Special Exception by the Board of Zoning Appeals.
- d. In any Industrial Zoning District, in cases where the grant of a Special Exception by the Board of Zoning Appeals for an Industrial Park includes a condition that the Park be platted, the regulations of the Subdivision Control Ordinance of Marion County, Volume 2, Chapter 32, C, of the Code of Indianapolis and Marion County, Indiana shall govern the Park's platting.

SECTION 5. Severability. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of the Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to severable.

SECTION 6. Attestation. This ordinance shall be in full force and effect upon its adoption in accordance with IC 36-7-4.

The foregoing was passed by the City-County Council this 12th day of January, 1998 at 8:41 p.m.

ATTEST:

Burt Lewis

Dr. Beurt SerVaas  
President, City-County Council

  
Suellen Hart, Clerk, City-County Council

STATE OF INDIANA, MARION COUNTY )  
CITY OF INDIANAPOLIS ) SS:

I, Suellen Hart, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 766, 1997, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 12th day of January, 1998, by a vote of 26 YEAS and 0 NAYS, and was retitled General Ordinance No. 1, 1998, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 16th day of January, 1998.

Suellen Hart  
Suellen Hart, Clerk, City-County Council

(SEAL)